

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**DANNIE W. SWEETMAN, et al.**

**Plaintiff**

**v.**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, etc., et al.**

**Defendants**

**CIVIL NO. JKB-16-3030**

\* \* \* \* \*

**MEMORANDUM AND ORDER**

Now pending before the Court is the Plaintiffs' Motion to Remand (ECF No. 13) and some Defendants' (Deutsche Bank National Trust and Ocwen) Motions to Dismiss the Complaint/Amended Complaint (ECF Nos. 8, 16). The Court has carefully reviewed the respective motions and their supporting memoranda, as well as the specified Defendants' RESPONSE in opposition to the Motion to Remand (ECF No. 15). The Plaintiffs have not responded to the motions to dismiss and the time for doing so expired 10 days ago.

At the time that this case was removed from the Circuit Court for Cecil County, the Complaint then of record alleged an amount in controversy well above the jurisdictional threshold of \$75,000.00. Changed circumstances, including the amendment of the Complaint such that a sum of less than \$75,000.00 is claimed, do not deprive this federal court of jurisdiction when those circumstances changed after the time of removal. What matters is the amount in controversy when the case was removed. Accordingly, this Court has subject matter jurisdiction.

With respect to alleged deficiencies in the Complaint, the Court notes the following:

1. The Plaintiffs make no express claims of inappropriate conduct by Ocwen;
2. The Plaintiffs' allegations of fraud lack the detail required by Rule 9(b); and
3. In the face of multiple broadsides fired at the Complaint/Amended Complaint by the specified Defendants, attacks that are persuasive on their face, the Plaintiffs have utterly failed to respond to the motions to dismiss, and the time for doing so has elapsed.

Accordingly, the MOTION to Remand (ECF No. 13) is DENIED. Further, for the reasons set forth above, and adopting the reasoning set out in the specified Defendants' memorandum in support of their motions to dismiss (*see* ECF No. 8) and, finally, noting that the Plaintiffs have not responded to or opposed the Motions to Dismiss, the MOTIONS to Dismiss (ECF Nos. 8, 16) are GRANTED. Defendants Deutsche Bank National Trust Company and Ocwen Loan Servicing LLC are DISMISSED from this action and are no longer part of this case.

DATED this 28<sup>th</sup> day of October, 2016.

BY THE COURT:

\_\_\_\_\_/s/  
James K. Breder  
United States District Judge